

## MEDIA RELEASE

April 29, 2014

Contact: Court Administrator Donna Nelson  
651.361.7942 or [Donna.e.nelson@state.mn.us](mailto:Donna.e.nelson@state.mn.us)

### **Fact Sheet Regarding Deadline in “Bear Case”**

**Title of Case:** In the Matter of Minnesota Department of Natural Resources Special Permit #16868 (December 12, 2012) Issued to Lynn Rogers

**Presiding:** Tammy L. Pust, Chief Judge, Office of Administrative Hearings

**Dates of Hearing:** February 24, 2014 through March 6, 2014

#### **Post-Hearing Developments:**

Following the close of the hearing, the Chief Administrative Law Judge issued an Order requiring the parties to file post-hearing submissions by March 24, 2014. At the request of the parties, a subsequent Order was issued providing that initial submissions were due on March 28, 2014, and responsive submissions were due on April 2, 2014. The record closed on April 2, 2014.

On April 4, 2014, Dr. Rogers brought a Motion to Compel Recently Discovered Documents Withheld by the DNR. On April 23, 2014, Dr. Rogers brought a related motion seeking to submit new documents into the hearing record.

By Orders dated April 13, 2014, April 17, 2014, and April 29, 2014, copies of which are posted on the website of the Office of Administrative Hearings, Chief Judge Pust: (1) granted the motion to compel with respect to certain documents; (2) imposed monetary sanctions upon the Department for its failure to comply with the rules of discovery; and (3) re-opened the hearing record to allow the parties to amend their post-hearing submissions in light of the newly-produced documents. Pursuant to the Judge's April 29, 2014 Order, the record will now close on May 2, 2014 following receipt of any amended post-hearing submissions.

**Decision Deadline:** Within thirty (30) days of the May 2, 2014 record close date, Chief Judge Pust will issue a report consisting of Findings of Fact, Conclusions of Law and a Recommended Order. The Judge's report will be provided to the agency as required by law, and the parties will be allowed an opportunity to submit to the agency any comments they may have regarding the Chief Judge's report. The agency has the legal authority to issue the final decision in the matter. Pursuant to an earlier court order issued in this case, the final decision of the agency will not be made by Commissioner Landwehr or any other Department staff who has had prior involvement in the matter. If the agency does not issue an order, the Judge's Findings of Fact, Conclusions of Law and Recommended Order will become the final order in the case.

#### **Contact for Parties:**

- Department of Natural Resources: Chris Niskanen 651.259.5023
- Dr. Lynn Rogers: David R. Marshall, Fredrikson & Byron, PA 612.492.7154